

PTO/SB/21 (09-04)

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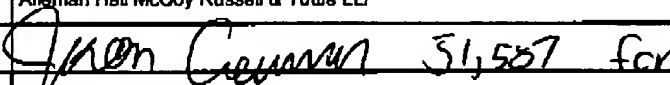
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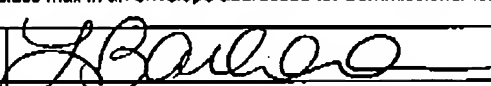
<b>TRANSMITTAL FORM</b>	Application Number	10/805,635	
	Filing Date	March 19, 2004	
	First Named Inventor	Donald J. Lewis	
	Art Unit	3681	
	Examiner Name	Roger L. Pang	
(to be used for all correspondence after initial filing)		Attorney Docket Number	81100255
Total Number of Pages in This Submission		3	

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<div style="border: 1px solid black; padding: 2px;">Remarks</div>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Allman Hall McCoy Russell & Tuttle LLP	
Signature		
Printed name	Christopher S. Tuttle	
Date	October 19, 2005	Reg. No. 41,357

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Signature	
Typed or printed name	Lauren Barberena
Date	October 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

October 19, 2005

OCT 19 2005

DONALD J. LEWIS

Serial No. : 10/805,635

Group Art Unit: 3681

Filed : March 19, 2004

Examiner: Roger L. Pang

For : ELECTROMECHANICAL ACTUATED VALVE CONTROL FOR AN  
INTERNAL COMBUSTION ENGINE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement of September 20, 2005, applicant hereby elects Control I, claims 1-6, 32-33 and conditions a and c with traverse. Applicant's reasons for traverse and request for reconsideration is set forth below.

Under 35 U.S.C. 121, restriction is proper only if the restricted claims are independent or distinct and if a serious burden exists on the examiner in examining the claims. Furthermore, the examiner must provide reasons and/or examples to support conclusions. MPEP 803. The September 20, 2005 restriction requirement does not include any reasons for the restriction requirement. Applicant traverses the restriction requirement as improper for lack of support. Applicant reserves the right to provide additional arguments against restriction, should the restriction requirement be maintained, once applicant is made aware of the examiner's reasons for requiring the restriction.

Based on the foregoing comments, applicants respectfully request reconsideration of the restriction requirement. The above-identified application is believed to be in condition for

Page 1 - RESPONSE TO RESTRICTION REQUIREMENT  
Serial No. 10/805,635; Record ID 81100255

allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

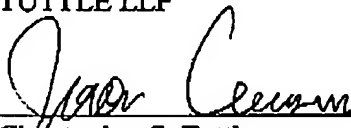
Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505. A duplicate copy of this sheet is enclosed.

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300 on October 19, 2005.

  
Lauren Barberena

Respectfully submitted,  
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